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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,497	07/19/2002	Pieter Van Dalen	DCLERC 3	7026
23599 7590 05/03/2007 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			EXAMINER DALENCOURT, YVES	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/070,497	Applicant(s) VAN DALEN, PIETER	
	Examiner Yves Dalencourt	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 9-12, 14-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-12, 14-18, and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Request for Continued Examination (RCE) filed on 03/21/2007.

Response to Amendment

The Examiner has acknowledged the amended claims 1 - 3, 9 - 10, 14 - 15, 18, 20, and 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

Claims 1 - 3, 9 - 12, 14 - 18, and 20 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al (US 5,805,298; hereinafter Ho) in view of Tiller et al (US 5,568,536; hereinafter Tiller).

Regarding claim 1, Ho teaches a method for establishing e-mail communication between who/which both have access to the Public Switched Telephone Network, without the need of being connected to the Internet (fig. 1), comprising the steps of establishing the data link, and PPP connection between the sender and receiver application (col. 3, lines 36 - 43); and transferring the e-mail message (s) to receiver device over TCP/IP (col. 3, lines 43 - 47).

Ho teaches substantially all the limitations, but fails to specifically teach the idea of establishing e-mail communication between a sender device and a receiver device over PSTN without the need of being connected to the Internet.

However, Tiller teaches in an analogous art, the idea of having an e-mail communication to be conducted over the PSTN without the need of being connected to the Internet (see abstract; col. 7, lines 20 - 35).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ho by establishing e-mail communication between a sender device and a receiver device over PSTN without the need of being connected to the Internet as evidenced by Tiller for the purpose of sending and receiving e-mail through an existing communication network system other than the Internet, thereby saving resources and saving time.

Regarding claims 2, 9 - 10, 20, and 22 - 24, Ho and Tiller teach all the limitations in claim 1, and Ho further teaches a method according to claim 1, further comprising the steps of composing one or more electronic mail messages on the sender device through a graphical user interface (GUI) application (col. 4, lines 7 - 42; col. 5, line 15 through col. line 23); setting up a telephone connection and data link from the sender device to receiver device; accepting an electronic mail message from the sender device by the receiver device; storing an electronic mail message on the receiver device (col. 4, line -42; col. 5, line 15 through col. 6, line 23); terminating the data link and telephone connection(c, 4, lines 7 - 42; col. 5, line 15 through col. 6, line 23); perceptibly indicating that an electronic mail message has been received by the receiver device; and visually

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presenting the electronic mail message, including attached files, by a graphical user interface (GUI) application on the receiver device (col. 4, lines 7 - 42; col. 5, line 1 through col. 6, line 23).

Regarding claim 3, Ho and Tiller teach all the limitations in claim 1, and Ho further teaches the step of retrieving the telephone number of the receiver device from a database (col. 6, lines 58 - 60; col. 7, lines 6 - 17).

Claims 11 and 12 substantively incorporate the limitations of claim 9. The reason for the rejection 9 apply to claims 11 and 12.

Regarding claim 21, the Examiner takes Official Notice that using an RS-232 interface is well known in the art. (see cited reference US 6,934,862).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al (US Patent Number 6,510,455) discloses an electronic mail message checking system (see col. 3 and col. 4).

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 30, 2007


YVES DALENCOURT
PRIMARY EXAMINER
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